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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

FRANK M. GARGIULO & SON, INC.,

Plaintiff,

v.

BENSI RESTAURANT GROUP, INC., et al.,

Defendants.

Civil Action No. 14-3285 (ES) (JAD)

CONSENT ORDER REGARDING BRIEFING

THIS MATTER having come before the Court on the parties' request to determine briefing dates relating to the Amended Complaint [DE 13], and Plaintiff's Memorandum of Law in Further Support of its Application for a Preliminary Injunction, and supporting affidavit [DE 14; 15]; and the Court having reviewed the matter, and all counsel having consented to the form and substance of this Order, and for good cause shown;

IT IS on this 17th day of June, 2014,

ORDERED as follows:

1. Defendants shall file and serve their response to the Amended Complaint [DE 13], or a motion to dismiss, no later than July 11, 2014;

2. Defendants shall file and serve their reply to Plaintiff's Memorandum of Law in Further Support of its Application for a Preliminary Injunction, and supporting Affidavit [DE 14; 15] no later than July 11, 2014;

3. If Defendants file a motion to dismiss, Plaintiff shall file any opposition papers to the motion no later than July 18, 2014.



Honorable Esther Salas, U.S.D.J.

CONSENTED TO AS TO FORM AND SUBSTANCE:

WILSON HARVEY BROWNDORF, LLP
Attorneys for Plaintiff

By: s/ Aarti A. Shah

Dated: June 16, 2014

ARSENEAULT & FASSETT, LLP
Local Counsel for Defendants

By: s/ David W. Fassett

Dated: June 16, 2014

MEUERS LAW FIRM, PI
Attorneys for Defendants
(Pro Hac Vice forthcoming)

By: s/ Lawrence H. Meuers

Dated: June 16, 2014

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THOMAS M. LENNEY⁺⁺

⁺ ALSO ADMITTED IN NEW YORK
⁺⁺ ALSO ADMITTED IN MICHIGAN

June 16, 2014

VIA ECF

Honorable Esther Salas, U.S.D.J.
Martin Luther King, Jr. U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

**RE: Frank M. Gargiulo & Son, Inc. v. Bensì Restaurant Group, Inc., et al.
Civil No. 14-3285 (ES) (JAD)**

Dear Judge Salas:

We are local counsel for defendants. Per my telephone conversation this morning with Your Honor's law clerk, we respectfully submit herewith a proposed consent order prescribing an amended briefing schedule in light of plaintiff's amended complaint filed June 10, 2014, [Doc. 13], which effectively rendered moot defendants' motion to dismiss the original complaint filed June 6, 2014 [Doc. 12]. Plaintiff's counsel has consented to the substance and form of this proposed Order. Should the Court approve, please cause the Order to be entered on ECF.

Thank you.

Respectfully,

s/ David W. Fassett

Enclosure

cc: Aarti A. Shah, Esq. (w/encl.) (ECF)
Lawrence H. Meuers, Esq. (w/encl.) (Email)